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October 5, 2022

VIA ECF & E-MAIL

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

*The stay
requested in
paragraph 9 of
Doc 18 is*

*GRANTED
SO ORDERED
VSDJ
10-6-22*

Re: **Patricia Kreitzman v. Exactech, Inc., et al.** Joint Motion Letter to Stay the
Case and Suspend All Remaining Scheduling Deadlines
Case No. 1:22-cv-4183

Dear Judge Castel:

Plaintiff Patricia Kreitzman and Defendants Exactech, Inc. and Exactech U.S., Inc. (collectively, "the Parties") jointly and respectfully request that the Court enter an Order granting the Parties' Joint Motion to Stay Proceedings in this case. The next conference before the Court is the Initial Pre-Trial Conference on November 4, 2022. In support of this Motion, the Parties jointly state as follows:

1. Plaintiff filed her Complaint on May 20, 2022. Dkt. No. 1.
2. On June 16, 2022, the Court allowed an extension of time for Defendants to answer or otherwise respond to Plaintiff's Complaint. Dkt. No. 9. On July 14, 2022, the Court ordered that Defendants could move against Count Six of the Complaint by July 29, 2022. Dkt. No. 12.
3. On July 29, 2022, Defendants moved to dismiss Count Six. Dkt. No. 13.
4. On August 12, 2022, the Parties jointly filed a letter motion for extension of time to extend the Pre-Trial Conference set for August 29, 2022. Dkt. No. 14.
5. On August 16, 2022, the Court granted the letter motion and adjourned the conference until November 4, 2022. Dkt. No. 15.
6. Importantly, on June 14, 2022, a collection of plaintiffs filed a Motion to Transfer before the United States Judicial Panel on Multidistrict Litigation, MDL No. 3044, seeking coordinated and consolidated pretrial proceedings for federal district cases—including this matter.
7. Both counsel for Exactech and plaintiffs' counsel submitted briefing arguing for consolidation, but a dispute remains over where the MDL should be located. The

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United States Judicial Panel on Multidistrict Litigation set the matter for a hearing session on September 29, 2022, at the Thomas F. Eagleton U.S. Courthouse in St. Louis, Missouri (MDL No. 3044, Dkt No. 62). The Parties are currently awaiting the JPML's decision.

8. In light of the JPML's pending decision concerning (1) whether an MDL will be formed and, if so, (2) where the MDL will be located, the Parties respectfully request that the Court stay this case to allow time for the JPML to render its decision, and to avoid an unnecessary use of this Court's time and resources.

OK [9. The above reasons constitute good cause for requesting a stay of all deadlines and proceedings, including the Initial Pre-Trial Conference on November 4, 2022.]

10. Defendants previously sought an extension to file a responsive pleading on June 15, 2022. Dkt. No. 8. The Court granted the extension on June 16, 2022. Dkt. No. 9. The Parties then moved for an extension of time on August 12, 2022. Dkt. No. 14. The Court granted this Motion on August 16, 2022. Dkt. No. 15.

11. Both Parties consent to this Motion to Stay.

WHEREFORE, the Parties respectfully request that the Court stay the proceedings in this case, and for such other and further relief that this Court deems just, equitable, and proper.

We thank this Honorable Court for its attention in this regard. Should you have any questions, please do not hesitate to contact us.

Respectfully Submitted,

BOWMAN AND BROOKE LLP

/s/ Erica S. Mekles
Erica S. Mekles
Co-Managing Partner

-and-

MARTIN | BAUGHMAN, PLLC

/s/ Laura J. Baughman (with permission)
Laura J. Baughman
Attorney for Plaintiff